

# SENATE MOTION

**MR. PRESIDENT:**

**I move** that Engrossed House Bill 1230 be amended to read as follows:

- 1       Page 3, after line 4, begin a new paragraph and insert:
- 2       "SECTION 2. IC 36-4-3-8, AS AMENDED BY P.L.224-2001,
- 3       SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 4       JULY 1, 2002]: Sec. 8. (a) This section does not apply to an ordinance
- 5       adopted under section 5 or 5.1 of this chapter.
- 6       (b) An ordinance adopted under section 3, ~~or 4~~, **or 4.1** of this
- 7       chapter must include terms and conditions fairly calculated to make the
- 8       annexation equitable to the property owners and residents of the
- 9       municipality and the annexed territory. The terms and conditions may
- 10      include:
- 11          (1) postponing the effective date of the annexation for not more
- 12          than three (3) years; and
- 13          (2) establishing equitable provisions for the future management
- 14          and improvement of the annexed territory and for the rendering of
- 15          needed services.
- 16      (c) This subsection applies to territory sought to be annexed ~~that~~
- 17      ~~meets all of the following requirements: under section 3, 4(a)(1), or~~
- 18      **4.1 of this chapter if:**
- 19          **(1) the territory contains residential property and:**
- 20              ~~(1) (A)~~ **(A)** the resident population density of the territory is at
- 21              least three (3) persons per acre; **and**
- 22              ~~(2) (B)~~ **(B)** the territory is subdivided or is parceled through
- 23              separate ownerships into lots or parcels such that at least sixty
- 24              percent (60%) of the total number of lots and parcels are not
- 25              more than one (1) acre; **or**
- 26          **(2) the territory:**
- 27              **(A) contains an industrial park or commercial property;**
- 28              **and**
- 29              **(B) may contain residential property that does not meet the**
- 30              **requirements of subdivision (1).**
- 31      This subsection does not apply to an ordinance annexing territory

described in section 4(a)(2), 4(a)(3), 4(b), or 4(h) of this chapter. The ordinance must include terms and conditions impounding in a special fund all of the municipal property taxes imposed on the annexed territory after the annexation takes effect that are not used to meet the basic services described in section 13(d)(4) and 13(d)(5) of this chapter for a period of at least three (3) years. The impounded property taxes must be used to provide additional services that were not specified in the plan of annexation. The impounded property taxes in the fund shall be expended as set forth in this section, not later than five (5) years after the annexation becomes effective.

SECTION 3. IC 36-4-3-8.1, AS ADDED BY P.L.248-1999, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 8.1. (a) An advisory board shall be appointed to advise the municipality on the provision of services to the annexed territory that are paid for with the municipal property taxes impounded in a special fund under section 8 of this chapter.

(b) An advisory board shall be appointed not later than ninety (90) days after an annexation becomes effective by the filing prescribed under section 22 of this chapter. **However, if the territory was annexed under section 4.1 of this chapter, the advisory board shall be appointed not later than ninety (90) days after the annexed territory's zoning classification is changed to a classification other than agriculture.**

(c) **This subsection applies to an annexation that fulfills the requirements set forth in section 8(c)(1) of this chapter.** An advisory board consists of the following seven (7) members:

- (1) The township trustee of the township with the largest number of residents living within the annexed territory.
- (2) One (1) member of the county fiscal body representing the district with the largest number of residents living within the annexed territory.
- (3) One (1) member who is:
  - (A) the municipal engineer if the annexing municipality has a municipal engineer; or
  - (B) a licensed professional engineer appointed by the municipal executive if the municipality does not have a municipal engineer.
- (4) Two (2) citizen members appointed by the municipal executive who:
  - (A) own real property within; and
  - (B) reside within; the annexed territory.
- (5) Two (2) citizen members appointed by the county executive who:
  - (A) own real property within; and
  - (B) reside within; the annexed territory.

(d) Four (4) members of the board constitute a quorum. An affirmative vote of four (4) members is required for the board to take action.

(e) A member of the board may not receive a salary. A member may receive reimbursement for necessary expenses, but only when those necessary expenses are incurred in the performance of the member's respective duties.

(f) A vacancy on the board shall be filled by the appointing authority.

(g) The board shall serve for not longer than the date all municipal property taxes impounded in the fund are expended.

SECTION 4. IC 36-4-3-8.2 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: **Sec. 8.2. (a) This section applies to an annexation of territory that contains:**

- (1) an industrial park or commercial property; and**
  - (2) residential property;**
- as set forth in section 8(c)(2) of this chapter.**

**(b) An advisory board consists of the following seven (7) members:**

- (1) The township trustee of the township.**
- (2) One (1) member of the county fiscal body representing the district with the largest number of residents living within the annexed territory.**
- (3) One (1) member who is:**
  - (A) the municipal engineer if the annexing municipality has a municipal engineer; or**
  - (B) a licensed professional engineer appointed by the municipal executive if the municipality does not have a municipal engineer.**
- (4) Two (2) citizen members appointed by the municipal executive as follows:**
  - (A) One (1) member who owns real property within and resides within the annexed territory.**
  - (B) One (1) member who represents the industrial park.**
- (5) Two (2) citizen members appointed by the county executive as follows:**
  - (A) One (1) member who owns real property within and resides within the annexed territory.**
  - (B) One (1) member who represents the industrial park.**

**Four (4) members of the board constitute a quorum. An affirmative vote of four (4) members is required for the board to take action.**

**(c) An advisory board appointed under this section is subject to section 8.1(a) and (b).**

SECTION 5. IC 36-4-3-8.3 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY

1, 2002]: Sec. 8.3. (a) This section applies to an annexation of territory that contains an industrial park or commercial property.

(b) This section does not apply to an annexation that contains any residential property.

(c) An advisory board consists of the following three (3) members:

(1) The township trustee of the township where the industrial park is primarily located.

(2) One (1) member who is:

(A) the municipal engineer if the annexing municipality has a municipal engineer; or

(B) a licensed professional engineer appointed by the municipal executive if the municipality does not have a municipal engineer.

(3) One (1) member appointed by the municipal executive, who represents the industrial park.

Three (3) members of the board constitute a quorum. An affirmative vote of two (2) members is required for the board to take action.

(d) An advisory board appointed under this section is subject to section 8.1(a) and (b).

(Reference is to EHB 1230 as printed February 22, 2002.)

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Senator LONG